

REMARKS

This is a response to the Final Office Action mailed 11/28/2008. Reconsideration with an eye toward withdrawal of the Final Rejection and the allowance of all pending claims is respectfully requested.

Claims 1-5, 17-21, 53, 55 and 57 are rejected under 35 USC 102(e) as being anticipated by Frank Barth (US Pub. 2003/0191872).

Claims 6-16, 22-31, 54, 56-58, and 60-72 54, are rejected under 35 USC 102(e) as being unpatentable over Frank Barth (US Pub. 2003/0191872) hereinafter Barth, in view of Ichiro Kumata (US Patent 6,715,010), hereinafter Kumata.

Without admitting the propriety of the rejection, applicant has amended certain claims only to address certain grammatical and punctuation issues not related to patentability, the other claims are not amended.

The present application claims priority to U.S. provisional application number 60/409,367 (hereinafter "provisional 60/409,367") filed on 6 September 2002. The priority date of the instant application (6 September 2002) is after the date of the reference (27 June 2002) but less than 1-year after that date.

Applicant herewith submits a DECLARATION under 37 CFR 1.131 by joint inventor Ook Kim to establish invention of the subject matter of the rejected claims prior to the effective date of at least the Barth reference (US Pub. 2003/0191872) on which the all the claims are currently rejected.

Applicant submits that with the Barth reference removed from consideration, the Kumata reference is ineffective to anticipate or obviate the invention as claimed, and that the rejections of all of the claims should be withdrawn and all claims passed to allowance.

Conclusion


In view of the above amendments and remarks, and particularly relative to the Declaration by inventor Ook Kim under 37 CFR 1.131 submitted herewith, applicant believes the pending application is in condition for allowance.

The Commissioner is authorized to charge any fees due for added or amended claims not otherwise already paid for, as well as for the Petition for Extension of Time, any fees that are or may be due for filing or consideration of the Declaration under 37 CFR 1.131, and/or any other fees due and not otherwise paid, to our Deposit Account No. 50-2207 (referencing Attorney Docket 59472-8025.US01).

The Director is authorized to charge any additional fees that are due in connection with this Amendment or papers associated with this Amendment, including fees not otherwise paid, to Deposit Account 50-2207.

Respectfully submitted,
Perkins Coie LLP

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